IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 63507-M of 2006

DATE OF DECISION : 20.11.2006

Pali Singh and another

.... PETITIONERS

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. T.S. Sangha, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

* * *

Pali Singh and his wife Resham Kaur have filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 85 dated 18.7.2006 under Sections 302, 307/120-B IPC and Section 25 of the Arms Act, registered at Police Station Raman, District Bathinda.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 29.9.2006, passed by Sessions Judge, Bathinda, whereby bail application of the petitioners has been dismissed.

3. The aforesaid FIR was registered on the statement of Manjit Kaur wife of late Shri Amarjit Singh, wherein she alleged that on 18.7.2006, when she along with her nephew Jaswinder Singh alias Jassi and Hardev Singh, who is father in law of Jaswinder Singh, was coming back to her house after visiting Bathinda, then her brother-in-law (Devar) Tejinder Singh came there. He was armed with small 12 bore DBBL gun. He raised lalkara that he will kill Jassi and his family. By saying so, he fired shot at

Jaswinder Singh alias Jassi, nephew of the complainant, who fell on the ground and died. The complainant Manjit Kaur further alleged that then Tejinder Singh ran away towards her house with his gun and there he also fired shot at Noga Singh son of Chand Singh and Sukhbir Singh son of the complainant who died subsequently. He also injured Meenu, her daughter in law. The motive of the alleged crime is alleged to be that the said Tejinder Singh was having illicit relations with petitioner No.2 Resham Kaur, a resident of the village and Jaswinder Singh alias Jassi and Sukhbir Singh stopped him for having illicit relations with the said lady, as the image of the family is being destroyed. Subsequently, after registration of the case, said Tejinder Singh also committed suicide.

4. Counsel for the petitioners contends that the petitioners have been involved in this case with the aid of Section 120-B IPC. In the FIR, it is alleged that accused Tejinder Singh was having illicit relations with Resham Kaur petitioner No.2, but no allegation has been levelled against Pali Singh petitioner No.1. He further contends that there is no evidence of any conspiracy between the main accused Tejinder Singh and the petitioners, except the allegation that the petitioners instigated Tejinder Singh to commit crime. Counsel contends that from the reading of the FIR, it appears that Tejinder Singh ran amuck and committed murder of anybody who came his way. Such kind of an action cannot be said to be result of a cool and calculated conspiracy. The aleged mad act of Tejinder Singh was spontaneous. Counsel contends that the petitioners have been falsely implicated on the ground that Tejinder Singh was having illicit relations with petitioner No.2 Resham Kaur, who is a married woman having three daughters and two sons. He further contends that both the petitioners are Harijans and are doing labour work. Counsel submits that both the petitioners are in custody since 19.7.2006 and trial is not likely to conclude soon, as though the challan has been filed, but till date, no PW has been examined.

5. Keeping in view the aforesaid facts, without commenting on the merits of the case, I deem it appropriate to grant regular bail to the

petitioners and they are, accordingly, ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of the trial court.

November 20, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**